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DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: December 7, 2009

SPEX 2007-0053 – Washington Immanuel Presbyterian Church

DECISION DEADLINE: December 21, 2009

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Stephen Gardner

EXECUTIVE SUMMARY

Washington Immanuel Presbyterian Church of Vienna, Virginia has submitted an application for a Special Exception to permit a church within an existing approximately 10,646 square foot building in the A-3 (Agricultural Residential) zoning district. This application is subject to the Revised 1993 Zoning Ordinance and the proposed use is listed as a Special Exception use under Section 2-403(C). The property is approximately 10 acres in size and is located on the west side of Evergreen Mills Road (Route 621), approximately 0.5 mile south of the Route 621, Ryan Road (Route 772), and Red Hill Road (Route 617) intersection, at 23219 Evergreen Mills Road, Leesburg, Virginia, in the Dulles Election District. The area is governed by the policies of the Revised General Plan (Rural Policy Area) and the Revised Countywide Transportation Plan which designate this area for rural economy uses and limited residential development.

RECOMMENDATION

Planning Commission

At the October 15, 2009 Public Hearing, the Planning Commission voted 5-3-1 (Maio, Klancher, Syska – opposed; Brodrick – absent) to forward the application to the Board of Supervisors with a recommendation of denial. Findings noted by the Planning Commission are included on Pages 7 and 8 of this report.

Staff

Staff cannot support this application. A permanent pump-and-haul is necessary to facilitate the use and was approved by the Board of Supervisors at the September 1, 2009 Business Meeting in recognition that no other reasonable means of sewage disposal is available. Notwithstanding, the General Wastewater Policies of the Revised General Plan do not support a permanent pump-and-haul as the sole means of sewage disposal in the Rural Policy Area. As such, the suitability of the parcel for the church use in the A-3 (Agricultural Residential) zoning district remains in question. In addition, clarification of language regarding stormwater management, building square footage, and site access is needed. Staff recommends the application be referred to the Transportation and Land Use Committee for additional discussion.

SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward SPEX 2007-0053, Washington Immanuel Presbyterian Church, to the Transportation and Land Use Committee for further discussion. *(A timeline extension from the Applicant will be necessary.)*

OR,

2. I move that the Board of Supervisors forward SPEX 2007-0053, Washington Immanuel Presbyterian Church, to the January 5, 2010 Business Meeting for action. *(A timeline extension from the Applicant will be necessary.)*

OR,

3. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, take Evergreen Mills Road (Route 621) south. The subject property will be on the right, approximately one-half (½) mile south of the Ryan Road (Route 772) / Red Hill Road (Route 617) intersection.

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I. APPLICATION INFORMATION

APPLICANT Washington Immanuel Presbyterian Church
Attn: Je Soon Park, Trustee
2102-C Gallows Road
Vienna, Virginia 22182
703-821-1798

REPRESENTATIVE Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
Attn: Michael G. Romeo, AICP, Land Use Planner
One East Market Street, 3rd Floor
Leesburg, VA 21076
703-737-3633

APPLICANT'S REQUEST A Special Exception to permit a church use within an existing building in the A-3 zoning district.

LOCATION 23219 Evergreen Mills Road, Leesburg, VA 20175

TAX MAP/PARCEL #s Tax Map /91/////////8A MCPI 243-49-8730

ZONING A-3

ACREAGE OF SITE 10 acres

SURROUNDING ZONING / LAND USES

	ZONING	PRESENT LAND USES
North	A-3	Vacant
South	A-3	Single-Family Residence
East	PD-H4	Vacant
West	A-3	Vacant

II. SUMMARY OF DISCUSSION

Topic	Issues Reviewed and Status
Comprehensive Plan	<ul style="list-style-type: none"> Demonstrate conformance with <u>Revised General Plan</u> with respect to use. Status: Resolved. The proposed church is a rural institutional use and is anticipated within the Rural Policy Area. Provide a method of sewage disposal that is consistent with that envisioned by the <u>Revised General Plan</u> and sensitive to the natural environment. Status: Unresolved; a permanent pump-and-haul will serve as the sole means of sewage disposal. Pump-and-haul operations are not supported by the General Wastewater Policies of the <u>Revised General Plan</u> in the Rural Policy Area. Reduce the percentage of parking spaces to that required by the <u>Revised 1993 Zoning Ordinance</u>; any excess parking areas should utilize a low impact design. Status: Unresolved; the Ordinance requires sixty-two (62) parking spaces, but one hundred (100) spaces have been provided. Condition language (Condition # 8 – Stormwater Management) intended to mitigate the impact is contradicted by language included on the Special Exception (SPEX) plat which states such may be waived. Delineate a Tree Conservation Area (TCA) along the rear property line to ensure preservation of existing vegetation. Status: Resolved. A TCA has been delineated on the Special Exception Plat; Conditions # 6 and # 7 provide for preservation in both the TCA and the rear buffer yard. Limit light trespass onto adjacent properties. Status: Resolved; Condition # 9 added accordingly.
Zoning	<ul style="list-style-type: none"> Clarify the seventy-five (75) foot building line and the side yard buffers on the Special Exception plat. Status: Resolved. Identify all existing structures that are intended to remain and include such in the calculation of lot coverage. Status: Unresolved; the Special Exception Plat notes the use of existing structures proposed to be retained, but the building square footage noted on Sheet 2 is in contradiction with that included on General Note # 10 on Sheet 1. Confirm the seating capacity of the proposed church and revise the parking calculation accordingly. Status: Resolved; the Special Exception Plat has been revised to reflect the seating capacity of the church (250) and the corresponding number of required parking spaces (62). Include a six (6) foot wide island at the end of each row of parking. Status: Resolved; Special Exception Plat revised accordingly. Verify and delineate moderately and very steep slopes. Status: Resolved; Special Exception plat revised accordingly. Clarify the intended use of all accessory structures. Status: Resolved. A one (1) story block building will be utilized as a utility building; an existing trailer will be removed. Submit a site plan for the proposed structures and pursue subsequent zoning and occupancy permits. Status: Resolved; Condition # 4 added accordingly.
Emergency Services	<ul style="list-style-type: none"> Ensure Compliance with all applicable regulations of the <u>International Fire Code</u> for an assembly use. Status: Resolved; Condition # 5 added accordingly.

Health Dept.	<ul style="list-style-type: none"> Demonstrate conformance with the General Wastewater Policies of the <u>Revised General Plan</u> regarding pump-and-haul. Status; Unresolved; Pump-and-haul applications are generally reserved for existing occupied structures that have failing or substandard sewage disposal systems and should not be used to establish a new use.
Parks	<ul style="list-style-type: none"> No issues noted. Status: Recommendation of approval.
Environmental Review	<ul style="list-style-type: none"> Depict all jurisdictional wetlands on the Special Exception Plat. Status: Resolved. Delineate a Tree Conservation Area along the rear property boundary to correspond with areas of existing vegetation. Status: Resolved.
VDOT	<ul style="list-style-type: none"> Include a fifty-foot radius at the site entrance in lieu of the 180-degree right turn taper. Status: Resolved.
Transportation (OTS)	<ul style="list-style-type: none"> Delineate a fifteen-foot (15') right-of-way reservation in addition to the existing reservation of sixty-feet (60') from centerline to accommodate a future trail. Status: Resolved; a ten-foot (10') wide trail can be accommodated within the existing sixty-foot (60') reservation from centerline; an additional fifteen-feet (15') is not necessary. Remove all references allowing for two access points onto Evergreen Mills Road (Route 621). Status: Unresolved. Language included on the Special Exception (SPEX) Plat which suggests the existing driveway may be retained and used in conjunction with a second access point, proposed approximately 215-feet to the south, should be removed.

Policy or Ordinance Sections Subject to Application	
<u>Revised General Plan</u>	
Chapter 2. General Wastewater Policies. Policy 12.	
Chapter 5. Lighting and Night Sky. Policy 1.	
Chapter 6. Suburban Parking Policies. Policy 1.	
Chapter 7. Land Use Pattern and Design Strategy Policies. Policy 6.	
<u>Revised Countywide Transportation Plan (CTP)</u>	
Design Guidelines for Major Roadways. Route 621; Evergreen Mills Road.	
<u>Revised 1993 Zoning Ordinance</u>	
Section 2-202(D). Lot Requirements. Yards.	
Section Table 5-1102. Number of Parking and Loading Spaces Required.	
Section 5-1413(B)(3). Parking Lot Landscaping and Screening Requirements.	
Section Table 5-1414(B)(2). Buffer Yard and Screening Matrix.	
Resolution of Board Position Regarding Annual Fire and Rescue Contributions by Owners/Homeowners Associations. Adopted June 18, 2001	

III. PLANNING COMMISSION REVIEW AND RECOMMENDATION

On October 15, 2009, the Planning Commission held a Public Hearing on this application. Four members of the public addressed the Commission and spoke in favor of the application; a number of other church supporters were in attendance and indicated such by standing. The four speakers described the various existing and proposed outreach efforts and activities of the church, the character of the congregation, and efforts made to-date to bring the property into compliance with various regulations.

At the time of the Public Hearing, outstanding issues identified in the Staff Report included the following: 1) Conformance with the General Wastewater Policies of the Revised General Plan regarding the use of a permanent pump-and-haul; 2) Preservation of existing vegetation along the rear property line in a designated Tree Conservation Area (TCA); 3) The use of a low-impact design technique for parking spaces in excess of that required by the Revised 1993 Zoning Ordinance; and 4) The labeling of uses on the Special Exception (SPEX) Plat. In addition, it was indicated at the Public Hearing that the Applicant was not in agreement with Conditions related to Capacity (Condition # 2), Accessory Events (Condition # 3), and Outdoor Speakers / Outdoor Live Music (Condition subsequently removed). The Applicant provided alternative language to the Planning Commission with verbiage that proposed to limit church capacity to 250 individuals at any one time and revert to the Ordinance standards regarding accessory/special events and the use of outdoor speakers and live music.

As part of the discussion, the Planning Commission indicated concern with the Applicant's revised condition language regarding capacity, noting the phrase "at any one time," would allow the structure to realize its 250 person maximum capacity on a reoccurring basis (i.e. 250 individuals could attend events/services on each day of the week). Concern was noted about church events other than traditional worship services, and the Commission questioned what would happen if the pump-and-haul system were to shut down during an event in progress. Individual Commissioners noted the use of a permanent pump-and-haul to establish a new use may constitute a precedent, and there was general discussion regarding the need to preserve existing vegetation and whether the use of gravel, proposed by the Applicant as a low-impact design approach, would constitute an impervious surface. Questions from the Commission included the background and context of the Board's decision regarding the permanent pump-and-haul and clarification between the permanent and temporary pump-and-haul approvals.

The Commission repeatedly recognized the Board's action regarding the approval of the permanent pump-and-haul but reiterated its role as a body that reviews and implements adopted policies versus the Board's role of interpreting that policy. After discussion, the Planning Commission voted 5-3-1 (Maio, Klancher, Syska – opposed; Brodrick – absent) to forward the application to the Board of Supervisors with a recommendation of denial. The following Findings for Denial were noted:

The parcel of land where the Washington Immanuel Presbyterian Church proposes to locate their church does not perk. As a result, neither a conventional nor a non-conventional sewage disposal system is possible on this parcel. Extension of central sewer service is not permitted in the Rural Policy

area except to serve County or Town owned and operated public facilities immediately adjacent to a Town or its JMLA.

To allow pump and haul as an INITIAL use is not consistent with our Revised General Plan Policies. Furthermore, there is no other instance in the Rural Policy area that the County has allowed this method of wastewater disposal as a permanent solution to establish a new church use.

1. Use of a permanent pump-and-haul as the sole means of sewage disposal is not consistent with the General Wastewater Policies of the Revised General Plan, which specifies such a system should be used only as a last resort in the event of a proven, public health emergency. Chapter 2 of our Revised General Plan states that "Pump and haul operations are not permitted in the Rural Policy Area, Existing Rural Villages or the Transition Policy Area except as a LAST RESORT and TEMPORARY wastewater disposal method to address a proven, public health EMERGENCY (which by definition is short-lived and not permanent).
2. The Health Department has recommended denial of this application as such a system is in conflict with the General Wastewater Policies of the Revised General Plan. Pump-and-haul applications are generally reserved for existing occupied structures that have failing or substandard sewage disposal systems and should not be used to establish a new use.
3. VA Code 15.2-2283 –Purpose of Zoning is to promote health, safety or general welfare of the public. This proposed application with a permanent pump-and-haul for sewage disposal does not promote health, safety or general welfare of the public and specifically the surrounding rural residential community.
4. The application does not support the Rural Economic Policy #4 which states such uses in the Rural area should be compatible in scale, size, and intensity with the primary agricultural uses and the rural environment, and will be subject to performance standards. The fact that the Applicant is not willing to agree to the 250 person condition of approval leads to an intensity that is not consistent with this policy.

Subsequent to the Public Hearing, applicant-initiated revisions were made to the Special Exception Plat and include the following:

1. The addition of a parking area on the south side of the building and the reconfiguration of parking areas on the north and east side of the building.
2. The option to retain the existing access point as a second point of ingress/egress with the caveat such entrance will be removed if required by the Office of Transportation Services (OTS) and the Virginia Department of Transportation (VDOT).

3. The delineation of a Tree Conservation Area (TCA) along the northwest and southwest property boundaries. Staff notes this revision was in response to an outstanding issue identified as part of the Planning Commission Public Hearing Staff Report.

Staff would further note Conditions related to the Tree Save Area, Rear Buffer Yard, and Stormwater Management (Conditions # 6, 7, 8) were included subsequent to the Public Hearing in an effort to resolve outstanding issues. A condition related to outdoor speakers / outdoor live music was removed as such can be accommodated under Condition # 3 related to accessory events. The Applicant is now in agreement with the Conditions of Approval. As of the publication of this report, the Conditions are being reviewed by the County Attorney's Office; an update will be provided at the Public Hearing.

IV. CONCLUSIONS

1. The proposed church is consistent with the type of institutional uses envisioned by the Revised General Plan in the Rural Policy Area.
2. Use of a permanent pump-and-haul as the sole means of sewage disposal is not consistent with the General Wastewater Policies of the Revised General Plan, which specifies such a system should be used only as a last resort in the event of a proven, public health emergency.
3. Subject to the Special Exception Conditions of Approval, the application complies with the requirements of the Revised 1993 Loudoun County Zoning Ordinance.
4. The proposed church use should have no detrimental impacts on the Level of Service (LOS) of proximate roadways as the majority of the vehicle trips occur during off-peak hours and during the weekend.

V. CONDITIONS OF APPROVAL – November 24, 2009

Staff recommends the following conditions of approval:

1. **Substantial Conformance** – This Special Exception to permit development of a church shall be developed in substantial conformance with Sheet 1 of 4 and Sheet 2 of 4 (the "Special Exception Plat") of the plan set entitled "Special Exception Plat SPEX 2007-0053 Washington Immanuel Presbyterian Church," dated November 4, 2007, revised through November 2, 2009, prepared by TRI-TEK Engineering (the "Plans"), and incorporated herein by reference. Approval of this application for Tax Map Number /91////////8A (PIN# 243-49-8730) (the "Property") shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Capacity** – The sanctuary seating capacity of the church use shall be limited to 250 individuals. The average weekly attendance of the church use shall not exceed 250 individuals.

3. **Accessory Events** – Accessory church uses as defined by the Revised 1993 Loudoun County Zoning Ordinance (“Ordinance”), are limited to no more than 250 individuals and may be subject to additional Ordinance requirements.. Any Special Event, as defined by the Ordinance, shall be limited to a maximum of 250 individuals, and may be permitted in accordance with Section 5-500(C) and Other applicable Ordinance requirements.
4. **Site Plan** – Prior to the issuance of an occupancy permit for the church use, the Applicant shall submit to the County a site plan, rural economy site plan, or site plan amendment. The Applicant shall diligently pursue zoning permit approval to ensure conformance with the Revised 1993 Zoning Ordinance. All structures intended to be retained on-site shall be included on said site plan, rural economy site plan, or site plan amendment. The Applicant shall obtain applicable building permits for any building alteration and/or construction.
5. **Fire Code Compliance** – The Applicant shall demonstrate conformance with all applicable provisions of the International Fire Code for an assembly use. Documentation detailing compliance shall be submitted prior to issuance of an occupancy permit for the church use.
6. **Tree Save Area** - Within the area identified on the Plans as “Tree Save Area” the Applicant shall preserve a minimum of one hundred (100) percent of the canopy of healthy trees, exclusive of Virginia Pine over 25 years of age. In the event that the one hundred (100) percent canopy threshold cannot be achieved within said area, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Applicant in consultation with the County. Such canopy will be in addition to required landscaping required by the Revised 1993 Zoning Ordinance. If, during construction on the Property, it is determined by the Owner’s certified arborist and/or County that any healthy tree located within the boundary of said area has been damaged during construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to said area, the Owner shall remove such tree and replace each such tree with two (2), 2 ½ - 3 inch caliper, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed. Removal of trees within said area shall be prohibited without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infected, dead, or are considered a hazard to life or property.

The rear landscape buffer, located along the western boundary, and the northern side yard, contains a portion of the designated “Tree Save Areas.” The rear and northern side yard landscape buffer shall incorporate existing trees within the Tree Save Area, which may count toward the required planting material. If the existing vegetation does not meet the buffer requirement of the Ordinance, the buffer will be supplemented with new plant

material until the requirement is met. All other landscaping and buffer yards will be pursuant to the Revised 1993 Loudoun County Zoning

7. **Rear Buffer Yard** – The rear buffer yard (western property line) shall maintain a minimum width of thirty (30) feet as noted on the Plans. Existing vegetation (i.e. trees, understory shrubs, etc.) shall be retained within said buffer yard and may be used to fulfill planting material requirements. If it is the case that existing vegetation does not meet the required plant material for a rear buffer yard, existing vegetation will be supplemented by new plantings (i.e. trees and/or shrubs) until such is met.
8. **Stormwater Management** - Stormwater management techniques and best management practices shall be employed to reduce the peak rate of runoff and reduce the volume of pollutants created by rooftop and parking surfaces on the property. Proposed techniques and practices may include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, where the first inch of storm runoff from rooftop and parking surfaces on site is treated by said techniques.
9. **Exterior Lighting** – Any exterior lighting installed on the Property shall be full cutoff and fully shielded light fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties. The Applicant shall power down all exterior lights on the Property excluding security lights during the closed hours of operation.

Note: The applicant has agreed to contribute \$.10 per square foot of development to the servicing Fire and Rescue Company. The contribution shall be divided equally for fire and rescue services. The \$.10 per square foot contribution will escalate annually based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984+100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics for the Washington-Baltimore area (base year of 1988) in accordance with Board policy, and such contribution shall be made prior to the issuance of the first zoning permit for the Property.

VI. PROJECT REVIEW

A. CONTEXT

On January 31, 2008, the County accepted, on behalf of Washington Immanuel Presbyterian Church, a request for Special Exception (SPEX) to permit a church use in the A-3 (Agricultural Residential) zoning district. Accessible by means of Evergreen Mills Road, the site is currently improved with a warehouse facility, two accessory structures, and associated parking, all of which are located central to the site. An existing pond is located in the southeast corner adjacent to Evergreen Mills Road; existing tree stands coincide with the rear boundary line. Adjacent parcels are largely vacant; a single-family residence is located approximately 390-feet to the south.

The existing structures which will house the church use have never received formal site plan approval and were constructed without the applicable zoning and building permits. The Statement of Justification identified previously users of the building as an agricultural

hydroponics business, American Produce Inc., and most recently as an Elks Lodge. Both uses were never legally established and, as such, would have been considered non-conforming at the time.

In an associated request, the Board of Supervisors voted to approve a request for a permanent pump-and-haul on the property at its September 1, 2009 Business Meeting. This request was considered at both the January 26, 2009 and the July 27, 2009 meetings of the Transportation and Land Use Committee, which ultimately recommended approval.



Existing warehouse structure located on-site in which the proposed church use will locate.

B. SUMMARY OF OUTSTANDING ISSUES

Staff notes the Conditions of Approval are currently under review by the County Attorney's Office; an update will be provided at the Public Hearing. Outstanding issues include the following:

1. ***Use of a permanent pump-and-haul is not consistent with Chapter 2, Policy 12, of the Revised General Plan which states such "operations are not permitted in the Rural Policy Area."*** Staff acknowledges the Board of Supervisors approved the permanent pump-and-haul at the September 1, 2009 Business Meeting. Notwithstanding, the Plan states the use of pump-and-haul should be temporary and as a last resort, not as a means to establish a new use.
2. ***Provide low impact design for any parking spaces provided above that required by the Revised 1993 Zoning Ordinance.*** One hundred (100) parking spaces have been provided whereas only sixty-two (62) are required based upon the seating capacity of the proposed church. The use of gravel was suggested by the Applicant as a low impact design technique, which was subsequently debated at the Planning Commission Public Hearing. Gravel is effectively an impervious surface when compacted and may result in off-site sediment flow. Condition # 8 (i.e. Stormwater Management) was suggested to mitigate this impact but is contradicted by language on the Special Exception (SPEX) Plat which allows the option to waive the requirement. Staff recommends this language on the plat be

revised to provide a definitive commitment to stormwater management or alternative methods of low impact design be provided.

3. ***Remove all references to an optional second access point onto Evergreen Mills Road (Route 621).*** Subsequent to the Planning Commission Public Hearing, the application was amended to include the possibility of retaining the existing access drive, providing a second means of ingress/egress. Though the language states the access drive will not be retained if not allowed by the Office of Transportation Services (OTS) and the Virginia Department of Transportation (VDOT), its inclusion is suggestive. Neither OTS nor VDOT will permit two access points for this site, and consequently, all references to such should be removed.
4. ***The use of all existing structures proposed to be retained should be labeled on the Special Exception Plat along with the corresponding square footage of each.*** The Special Exception Plat has been revised to note the use of existing structures proposed to be retained. However, the building square footage noted on Sheet 2 is in contradiction with that included on General Note # 10 on Sheet 1. The discrepancy between the two should be rectified.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan) and is located in the Rural Policy Area. The Revised General Plan designates the area as suitable for rural economy uses and limited residential (Revised General Plan, Policy 3, p.7-15). A church is considered an institutional use by the Plan.

The subject property is located within the northern tier and the easternmost boundary of the Rural Policy Area. Properties located to the east are located within the Transition Policy Area; Evergreen Mills Road forms the physical boundary between the two. The rural policies of the Plan are intended to encourage a "...land use pattern and design strategy..." that is "...fundamentally committed to retaining the rural area as an essential asset of Loudoun County." The Plan encourages the protection of the natural and cultural resource base with emphasis on preservation of the Green Infrastructure to ensure a balance between natural and man-made environments.

To maintain and enhance the viability of the area, the Plan encourages the development of a rural economy to include uses that are in concert with the rural landscape. Examples include "...tourism, rural based public and commercial recreation, ancillary rural business, and compatible rural institutional uses." Such uses will "meet established performance criteria, including traffic capacity limits, employee limits, meet site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare." The Plan further encourages such uses to be located in existing historic and/or agricultural structures where possible.

A church is considered an acceptable institutional use within the Rural Policy Area, provided it is designed in such a way as to complement the rural landscape and poses no threat to public safety. The existing structure, a metal frame warehouse with multiple loading bays along the northern façade attached to a wood frame residence, may be considered an existing agricultural structure, though it was never permitted as such. Conversion of this structure to a church use is an example of adaptive reuse and is consistent with the Plan's vision of locating rural economy uses within existing historic and/or agricultural structures.

Conversely and as further discussed in subsequent sections of this report, the proposed use will necessitate a permanent pump-and-haul as its sole means of sewage disposal. As stated in Chapter 2, Policy 12 of the Revised General Plan, "Pump-and-haul operations are not permitted in the Rural Policy Area...except as a last resort..." and should only be utilized "...to address a proven, public health emergency." This structure, constructed without the applicable permits, does not constitute a public health emergency as the church use has yet to be established. Use of the pump-and-haul to establish a new use is in contradiction to the intent of the Plan.

Staff recognizes the September 1, 2009 action by the Board of Supervisors to approve a permanent pump-and-haul in anticipation of a church use. However, the fact that pump-and-haul is the only viable option available raises the question as to whether the site is suitable for the proposed use. As such, Staff cannot support this application.

In addition, a total of one hundred (100) parking spaces are being provided whereas only sixty-two (62) are required by the Revised 1993 Zoning Ordinance. Staff has requested that all parking spaces above that required by the Ordinance utilize low impact design techniques (i.e. porous concrete, grass pavers, etc.) to minimize unnecessary stormwater runoff. The use of gravel was suggested by the Applicant as a preferred low impact design approach. Gravel may be permitted by the Facilities Standards Manual (FSM) for overflow parking areas but is not considered a low impact design as it effectively becomes an impervious surface when compacted. Subsequent discussions with the Applicant resulted in a compromise through which gravel may be permitted if the impacts are mitigated through stormwater management techniques; condition # 8 (i.e. Stormwater Management) was developed accordingly. However, verbiage on the Special Exception (SPEX) Plat suggests that any stormwater management requirements may be waived at the time of site plan. This language, contradictory to the condition, should be revised to provide a definitive commitment.

ZONING

The property under consideration is a 10 acre tract, identified as Loudoun County Tax Map /91////////8A (PIN 243-49-8730), The property is zoned A-3 (Agricultural Residential) and is governed by the Revised 1993 Loudoun County Zoning Ordinance. The use is defined by the Ordinance as "Church, synagogue and temple" and is permitted under Section 2-403(C). It should be noted that a single permit for a 1,426 square foot "miscellaneous improvement" has been issued on the Property, though a warehouse and two accessory structures encompassing 11,720 square feet currently exist on site. A site plan with subsequent zoning and occupancy permits will be required for all structures to be retained; a condition of approval (Condition # 4) to this effect has been included for consideration. Other comments

from Zoning Administration include requests to clarify required yards, lot coverage, and parking requirements, all of which have been addressed by the applicant. Conversely, a request to clarify and delineate the square footage of buildings proposed to be retained on the Special Exception (SPEX) plat remains an outstanding issue.

HEALTH DEPARTMENT

This application proposes a permanent pump-and-haul as the sole means of sewage disposal. The Health Department has recommended denial of this application as such a system is in conflict the General Wastewater Policies of the Revised General Plan. For purposes of context, a temporary pump-and-haul was issued to American Produce, an agricultural hydroponics business, in 1998 to correct a potential health problem and to allow time for the company to relocate to an alternative facility. After the property was vacated, the pump-and-haul became null and void.

A request for a permanent pump-and-haul, identified as Fairfax Church of God / American Produce, was subsequently submitted to facilitate a four hundred (400) member church and related child care center. This request was ultimately denied by the Board of Supervisors in November 2001. The pump-and-haul request applicable to this application was submitted in November 2008 on behalf of Washington Immanuel Presbyterian Church. As part of the analysis presented to the Board for consideration, it was noted the average weekly flow would be 1,400 gallons per week (gpw) as compared to 3,150 gpw and 2,700 gpw for a single-family residence and warehouse use respectively. Such a flow would require pumping of the tank once a week versus the need to pump the tank twice a week under the alternative scenarios. It was also noted that suitable soils do not exist for any type of on-site sewage disposal system. Ultimately, the Board voted to approve the request for a permanent pump-and-haul with the caveat that it would also become void should this Special Exception be denied.

EMERGENCY SERVICES

The Arcola Fire and Rescue Company will provide fire and rescue services to the site. County policy anticipates a contribution of \$.10 per square foot of development. Based on the square-footage stated on the special exception plat, 11,720 square feet, the County would anticipate a contribution of approximately \$1,172.00, escalating annually from a base year of 1988. This contribution will be provided at zoning permit issuance and is consistent with Board policy. The only other issue considered by Staff was a request that the existing structure meet all applicable standards of the International Fire Code for an assembly use; a condition of approval (Condition # 5) to this effect has been added accordingly.

TRANSPORTATION

Comments from the Office of Transportation Services are included as Attachment 1d, Pages A-14 and A-16. The proposed church use will be located on the west side of Evergreen Mills Road (Route 621), currently a two (2) lane rural major collector with an ultimate condition as a rural four (4) lane median divided major collector. Evergreen Mills Road currently operates at Level of Service (LOS) "C" or better in areas proximate to the proposed use. At build-out, the special exception will generate eight (8) AM peak hour trips, seven (7) PM peak hour trips, ninety-seven (97) total daily trips, and 383 total Sunday daily trips. These trips should

have no detrimental impact on this existing LOS. Issues included a request to delineate an additional fifteen (15) feet of reservation to accommodate a future trail. After additional analysis, it was determined that any future trail can be accommodated within the existing sixty (60) foot reservation from centerline intended for the future expansion of Evergreen Mills Road.

The access point to the site will be relocated from its current location near the northern property boundary to a location approximately 215-feet to the south. No issues were noted with this relocation once it was demonstrated that adequate site distance could be maintained. Subsequent to the Public Hearing, the application was amended to allow the retention of the existing access point in addition to the proposed new entrance, potentially allowing two points of ingress/egress. Language included on the Special Exception (SPEX) plat states the access drive will not be retained if not allowed by the Office of Transportation Services (OTS) or the Virginia Department of Transportation (VDOT). It should be noted that neither OTS nor VDOT will permit two access points for this site, and as such, all references to the option should be removed.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Loudoun County Zoning Ordinance states "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

Standard *Whether the proposed Special Exception is consistent with the Comprehensive Plan.*

Analysis The subject site is located in the Rural Policy Area, and the proposed use is considered an institutional use by the Revised General Plan. Institutional uses are anticipated and encouraged as part of the rural economy within the Rural Policy Area, provided such uses do not pose a threat to public safety. A permanent pump-and-haul is proposed as the sole means of sewage disposal. Per Chapter 2, Policy 12, pump-and-haul operations are not permitted in the Rural Policy Area and should be utilized as a last resort and only as a temporary solution. As such, the use is consistent with the Comprehensive Plan; however, the use of a permanent pump-and-haul for sewage disposal is not.

Standard *Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Analysis The structure in which the proposed church use will locate was never permitted and was previously used as a warehouse facility. A condition of approval (Condition # 5) has been included requiring conformance with all applicable standards of the International Fire Code for an assembly use.

Standard *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

Analysis The use proposed in this application will not generate noise at a level such that it would adversely impact uses in the immediate area.

Standard *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

Analysis A condition of approval (Condition # 9) has been included that states any lighting installed to accommodate the special exception use shall be fully shielded and will be directed inward and downward toward the interior of the property, away from nearby properties.

Standard *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

Analysis Existing land uses adjacent to the site include multiple vacant parcels and one single-family residence located approximately 390-feet to the south. Permitted land uses include single-family residences consistent with the A-3 zoning located to the north, south, and west as well as the PD-H4 zoning associated with the Brambleton community to the east. A church is compatible with those existing and permitted uses.

Standard *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Analysis The Applicant must meet all of the Zoning Ordinance requirements as it relates to landscaping and buffering. Staff does recommend the delineation of a Tree Conservation Area along the rear boundary to further buffer the site, consistent with the intent of the Revised General Plan to protect the Green Infrastructure within the Rural Policy Area.

Standard *Whether the proposed Special Exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.*

Analysis The Special Exception uses do not fall within any known area that has significant archeological or historical significance.

Standard *Whether the proposed Special Exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

Analysis The proposed church use will locate within an existing building and will not result in the disruption of additional animal habitat or vegetation outside of the current footprint. Notwithstanding, Staff has recommended the delineation of a Tree Conservation Area along the rear property boundary. The application proposes a permanent pump-and-haul as the sole means of sewage disposal. The Revised General Plan does not support pump-and-haul operations within the Rural Policy Area as such may pose detrimental impacts to groundwater quality should the system fail. No impacts to air quality are anticipated.

- Standard *Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.*
- Analysis The location of a church within the Rural Policy Area will provide an institutional use proximate to residential populations.
- Standard *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*
- Analysis Access to the site will be provided by Evergreen Mills Road which currently operates at Level of Service (LOS) "C" or better. Weekday trip generation is negligible as the vast majority of the trips will be realized during the weekend. As such, no detrimental impacts to LOS are anticipated.
- Standard *Whether, in the case of existing structures proposed to be converted to uses requiring a Special Exception, the structures meet all code requirements of Loudoun County.*
- Analysis The structure in which the proposed special exception use will be located was constructed without the applicable permits. As such, staff cannot conclude that all code requirements of Loudoun County have been met.
- Standard *Whether the proposed Special Exception will be served adequately by essential public facilities and services.*
- Analysis Sanitary sewer is not available to the site, and it is not anticipated such infrastructure will be extended due to a location within the Rural Policy Area. As such, the proposed church use will require a permanent pump-and-haul which was approved by the Board of Supervisors at the September 1, 2009 Business Meeting.
- Standard *The effect of the proposed Special Exception on groundwater supply.*
- Analysis The proposed Special Exception use proposed a permanent pump-and-haul as the sole means of sewage disposal. The Revised General Plan does not permit such a system because of the detrimental impacts to the groundwater supply that could result should the system fail. As such, staff cannot conclude that no adverse impact will be realized as this system is intended in perpetuity.
- Standard *Whether the proposed use will affect the structural capacity of the soils.*
- Analysis As the existing building was not reviewed or permitted, it cannot be determined that construction utilized best engineering practices such that the structural capacity of the soils was not adversely impacted. Staff does note, however, no additional disturbance beyond the current footprint is anticipated.
- Standard *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

- Analysis Evergreen Mills Road currently operates at Level of Service (LOS) "C" or better. The proposed Special Exception uses will not negatively impact this LOS.
- Standard *Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*
- Analysis Church uses are generally tax exempt and do not employ large numbers of people. Consequently, it is not anticipated the proposed use will enlarge the tax base or encourage economic development directly. Notwithstanding, the use is consistent with that envisioned by the rural economy.
- Standard *Whether the proposed Special Exception considers the needs of agriculture, industry, and businesses in future growth.*
- Analysis Though the proposed church, an institutional use, does not directly consider the needs of agriculture, industry, and business, it is consistent with the rural economy uses anticipated within the Rural Policy Area.
- Standard *Whether adequate on and off-site infrastructure is available.*
- Analysis The acreage on which the special exception is proposed does not have access to sanitary sewer services and will necessitate a permanent pump-and-haul as the sole means of sewage disposal. Extension of sanitary sewer is not anticipated as the site is located within the Rural Policy Area. Staff analysis concludes that suitable soils do not exist on-site for any type of on-site sewage disposal system.
- Standard *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*
- Analysis No odors are anticipated by the proposed use.
- Standard *Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.*
- Analysis The proposed special exception will occupy an existing building where the predominant construction will be interior alterations. Adjustments to the building footprint are not anticipated. Construction traffic will access the site via Evergreen Mills Road and will not traverse existing neighborhoods or schools areas.

VII. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Planning Department, Community Planning	A-1
b. Building and Development, Zoning Administration	A-7
c. Building and Development, ERT	A-17
d. Office of Transportation Services (OTS)	A-19
e. Virginia Department of Transportation (VDOT)	A-25
f. Fire, Rescue, & Emergency Management	A-29
g. Parks, Recreation and Community Services	A-33
h. Loudoun County Health Department	A-37
2. Disclosure of Real Parties in Interest	A-41
3. Applicant's Statement of Justification	A-53
4. Applicant's Response to Referral Agency Comments	A-63
5. Applicant's Response to Planning Commission Findings for Denial	A-89
6. Special Exception Plat; dated 11/4/07; revised 11/2/09	Attached

NOTE: Attachments are available electronically, and may be viewed at the Planning Department Front Counter or in the Building & Development File Room.